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Chapter No. 90
18/SS26/A370SG
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SENATE BILL NO. 2966

Originated in Senate

L. J. Welch

Secretary

SENATE BILL NO. 2966

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEAR 2019.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2018, and ending June 30, 2019.....
..... \$ 208,001,565.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby authorized for expenditure out of any special source funds which are collected by or otherwise become available for the support and maintenance of the Department of Mental Health for the fiscal year beginning July 1, 2018, and ending June 30, 2019..... \$ 377,985,021.00.

SECTION 3. Of the funds appropriated under the provisions of Section 2, Eighteen Million Nine Hundred Fifty-one Thousand Eight Hundred Eighty-six Dollars (\$18,951,886.00) shall be derived from

the Health Care Expendable Fund created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the Department of Mental Health. The funds provided for in this section shall be allocated as follows:

\$ 9,259,790.00	Expenses of the Department of Mental Health.
\$ 379,417.00	Alzheimer's disease services development and implementation of Senate Bill No. 2100, 1997 Regular Session.
\$ 3,896,641.00	Medicaid matching funds.
\$ 252,944.00	Psychotropic drugs or Medicaid match.
\$ 505,890.00	Alzheimer's Disease Program, prepayment to Medicaid, etc.
\$ 2,727,792.00	Holding centers, group homes, substance abuse programs, Children's Programs, Prepayment of Medicaid, etc.
\$ 636,374.00	Crisis Centers
\$ 1,138,252.00	Physician services at community mental health centers.
\$ 50,590.00	Grant for Epilepsy Foundation of Mississippi or Medicaid match.
<u>\$ 104,196.00</u>	Specialized Treatment Facility.
\$ 18,951,886.00	TOTAL

SECTION 4. Of the funds appropriated under the provisions of Sections 1 and 2 of this act, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time	7,112
	Part Time	40
Time-Limited:	Full Time	600
	Part Time	18

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this

projected annual cost or the Fiscal Year 2019 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 5. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized

in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Services Management	
Onsite Reviews Conducted by Division of Audit (Num of)	225
Conduct Subsequent DMH Certification Reviews for DMH Certified Provider Agencies Based on Random Sample (Num of)	200
Mental Health Services	
Percentage of Population Lacking Access to Community Based Mental Health Care (%)	37.00
Percentage of DMH Clients Served in the Community versus in an Institutional Setting (%)	96.00
Increase Alt. Treatment/Placement Options for Individuals that have had Multiple Hospitalizations and do not Respond to Traditional Treatment (%)	25.00
Number Served by Programs of Assertive Community Teams (PACT) in MS as an Alternative Treatment Option for	

Individuals that have had Multiple Hospitalizations	600
Number of People Employed through Supported Employment Sites	266
Increase Access to Crisis Services by Tracking the Number of Calls to Mobile Crisis Response Teams	25,000
Number referred from Mobile Crisis Response Teams to a Community Mental Health Center and Scheduled an Appointment	10,000
Number of Diverted from a more Restrictive Environment due to Mobile Crisis Response Teams	19,500
Number of Certified Peer Support Specialists in the State	170
Idd Services	
Individuals on Waiting List for Home and Community Based Services (Num of)	1,375
Percentage of DMH Institutionalized Clients who could be Served in the Community (%)	77.00
Percent of DMH Clients Served in the Community verses in an Institution (%)	73.00
Number of People Added from Planning List to ID/DD Waiver Services	131

Children & Youth Services

Percent of Children with Serious Mental Illness Served by Local Multidisciplinary Assessment and Planning (MAP) Teams (%)	4.00
Number of Children and Youth Served by MAP Teams	1,300
Number of Children and Youth Served by Wraparound Facilitation	2,300
3% Alcohol Tax-alcohol/drug Prg Residential Treatment Beds (Beds)	424
Number of People Receiving Residential Substance Use Disorder Treatment	4,500
Crisis Stabilization Units	
Average Length of Time from Mental Health Crisis to Receipt of Community Mental Health Crisis Service (Hours)	
Urban	1
Rural	2
Percentage of People Receiving Mental Health Crisis Services who were Treated at Community Mental Health Centers versus in an Institutional Setting (%)	91.00
Diversion Rate of Admissions to State Hospitals through the Units	89.90
Number of Involuntary Admissions	2,020

Number of Voluntary Admissions	2,020
Mi - Institutional Care	
Number of Individuals Served at DMH's	
Inpatient Behavioral Health Programs	4,900
Maintain Readmission Rates within National	
Trends (%)	6.80
Mi - Pre/post Inst Care	
Number Served CMRC Community Living	95
Mi - Support Services	
Support as a Percent of Total Budget (%)	5.70
Idd - Institutional Care	
Number of Individuals Served at DMH's	
Residential IDD Programs	942
Number of People Transitioned from Facility	
to ICF/IID Community Homes	8
Idd - Group Homes	
Number of People Served in the 10 Bed	
ICF/IID Community Homes	585
Percentage of People Served in the	
Community vs. in an Institutional Setting	73
Idd - Community Programs	
Number of People Added from Waiting	
List to ID/DD Waiver Services	52
Number of People Enrolled in the 1915i	
(IDD Community Support Program)	800

Idd - Support Services

Support as a % of total budget 3.66

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2020.

SECTION 6. The Department of Mental Health and its facilities shall have the authority, within funding and spending authority appropriated under the provisions of this act to transfer funds to the Division of Medicaid in payment of Medicaid match and designate that the funds thus transferred shall be applied to Medicaid match obligations arising in the subsequent fiscal year.

SECTION 7. Any person within the Department of Mental Health who must work on a statutory holiday or any holiday proclaimed by the Governor may, at the discretion of the Director of the Institution and the Executive Director of the Department of Mental Health and within available personnel funds, be paid "call-back pay" in lieu of "compensatory time credit."

SECTION 8. Of the funds appropriated to the "Service Budget" funds are included for the support of community mental health services for Fiscal Year 2019.

Provided, however, that none of the funds appropriated for the support of community mental health services shall be made available to any Regional Mental Health/Intellectual Disability

Center which does not receive from each of its participating counties a dollar amount equivalent to what the proceeds of a three-fourths (3/4) mill tax on all taxable property in the county in Fiscal Year 1982 would have been or the amount of funds contributed to the center by the county in Fiscal Year 1984, whichever shall be greater. By means of performance contracts, the Department of Mental Health shall disburse the funds appropriated in this section for services for the mentally ill, intellectually disabled and alcohol/drug abusers. The State Board of Mental Health and the Department of Mental Health shall be responsible for selecting the types of services which shall be provided with the funds appropriated in this section, for developing and monitoring performance contracts and for holding contractors accountable for utilization of funds.

SECTION 9. Ellisville State School is authorized to draw up to Four Hundred Fifty Thousand Dollars (\$450,000.00) from interest earned on funds invested in Ellisville State School Client's Trust Fund for the purpose of supplementing the cost related to supplies, property, and equipment in direct care.

SECTION 10. The Department of Mental Health and its facilities shall have the express legal authority, within funding and spending authority appropriated under the provisions of this act to purchase land for use by residential facilities operated by the department, either directly or by means of transferring funds to the Bureau of Building, Grounds and Real Property Management,

and to transfer such funds to the Bureau of Building, Grounds, and Real Property Management for the purposes of constructing and equipping group homes for persons with mental illness, intellectual disability, and/or substance abuse; constructing and equipping such other buildings as may be required for treatment of persons with mental illness, intellectual disability, and/or substance abuse; repair and renovate existing buildings; and to construct, repair and/or renovate employee housing. Any intermediate care facilities for individuals with intellectual disabilities (ICF/IID) constructed with funds authorized in this section shall be authorized to participate in Medicaid funding available for such services.

SECTION 11. It is the intention of the Legislature that the Department of Mental Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2018. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2020 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2019 budget request process.

SECTION 12. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state-furnished housing for any employees. Such

utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state-furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 13. It is the intention of the Legislature that the Executive Director of the Department of Mental Health shall have authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of the Department of Mental Health. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Executive Director of the Department of Mental Health shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration. None of the funds transferred with this section may be transferred to the Central Office for Personal Services.

SECTION 14. Of the funds appropriated under the provisions of this act, Sixteen Million One Hundred Thousand Dollars (\$16,100,000.00) is provided to the Department of Mental Health to expand those community-based services that will improve the State of Mississippi's compliance with the Olmstead decision of the United States Supreme Court. Further, it is the intention of the

Legislature that the Department of Mental Health shall have the authority to transfer such sums from this source as are necessary to implement or improve those community services that are more appropriately addressed by the Mississippi Department of Education and/or the Mississippi Department of Rehabilitation Services to those agencies for that purpose. Further, it is the intention of the Legislature that any sums received from this source that are not expended during the fiscal year ending June 30, 2019, by the Mississippi Department of Mental Health shall be reappropriated for the same purpose during the fiscal year ending June 30, 2020. Further, it is the intention of the Legislature that the Department of Mental Health shall account for the expenditure of these funds in sufficient detail to clearly show the purposes for which such funds were expended.

SECTION 15. Of the funds appropriated in this act, the Department of Mental Health, with approval by the board, may contract with a Community Mental Health Center, or suitable entities, for the purpose of operating the Crisis Intervention Center at Grenada.

The Department of Mental Health, with approval by the board, may also contract with suitable entities for the purpose of operating the crisis intervention centers in Batesville, Brookhaven, Cleveland, Corinth, Laurel and Newton. The department shall provide quarterly progress reports on the operation of the

crisis intervention centers to the Chairmen of the Senate and House Public Health and Appropriations Committees.

SECTION 16. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 17. The Department of Finance and Administration (DFA) shall transfer funds back to the Department of Mental Health, upon the request of the Department of Mental Health, where the funds received by DFA from the Department of Mental Health were special funds (neither general funds or bond funds) and where those funds are not required for the payment of costs already incurred on a building or repair project. For the purposes of this section, the term "special funds" includes any state source special funds including, but not limited to, funds from the Health Care Expendable Fund. The duty of DFA to transfer funds back to the Department of Mental Health under this section applies to any funds described in this section that were transferred to DFA, regardless of the year that the transfer was made by the Department of Mental Health.

SECTION 18. It is the intention of the Legislature that the Department of Mental Health may provide, upon the availability of funds, Five Hundred Thousand Dollars (\$500,000.00) to the Hope Village for Children Program.

SECTION 19. None of the funds provided in Section 1, 2, or 3 of this act shall be used to pay Medicaid match for the fourteen (14) Community Mental Health Centers.

SECTION 20. Of the funds appropriated under the provisions of this act, an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) is provided for community-based mental health services for juveniles in detention.

SECTION 21. Of the funds appropriated in Section 1, it is the intention of the Legislature that Three Million Nine Hundred Ten Thousand Seven Hundred Two Dollars (\$3,910,702.00) shall be allocated to the Crisis Intervention Mental Health Fund supported by General Fund court assessments.

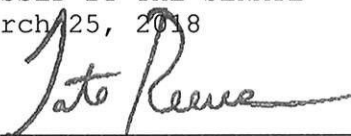
SECTION 22. Of the funds appropriated in this act, the Department of Mental Health shall fund four (4) Programs of Assertive Community Treatment (PACT) Teams and provide supportive employment for individuals with intellectual and developmental disabilities.

SECTION 23. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal

Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 24. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE SENATE
March 25, 2018



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 25, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 12, 2018
10:38 AM